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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,844	10/11/2006	Arnold Willem Buij	NL 040396	5449

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER
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PHILOGENE, HAISSA

ART UNIT	PAPER NUMBER
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2821

MAIL DATE	DELIVERY MODE
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03/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/599,844	BUIJ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Haissa Philogene	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/10/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 3, 8 and 9 are objected to because of the following informalities: In claim 3, the term "the ignition voltage" lacks proper antecedent basis. In claims 8 and 9, the term "the mains wires" lacks proper antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recited phraseology "use of at least of the mains wires connected to a lamp as an antenna for wireless control of the lamp" is not clear because 1) there are no lamp driver and control interface in the claim to establish a wireless control of the lamp, and 2) the examiner can not tell a) whether or not Applicant intended to make the claim a dependent claim, b) whether or not it is part of a method or apparatus claim.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the

elements. See MPEP § 2172.01. The omitted elements are: a lamp driver and a control interface.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: a control interface and a lamp driver.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 9 is rejected under 35 U.S.C. 101 because claim which is intended to embrace both product and process is precluded by language of 35 USC 101, which sets forth statutory classes of invention in alternative only.

Claim 9 is also rejected under 35 U.S.C. 112, second paragraph, since claim which purports to be both product and process is ambiguous and therefore does not particularly point out and distinctly claim subject matter of the invention. See *Ex parte Lyell*, 17 USPQ2d 1548.

Claim 8 provides for the use of at least one of the main wires.. as antenna, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 8 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wacyk et al., Patent No. 6,636,005 in view of Hamlin et al., Patent No. 4,507,646.

As per claim 8, Wacyk discloses in Fig.5 use of at least one of the mains wires (MAINS) connected to a lamp (127) for wireless control of the lamp via ballast with RF interface (11). Wacyk does not disclose the at least one of the main wires as an antenna. However, this feature is well-known in the art as evidenced by Hamlin which discloses in Fig.1 the use of at least one of the main wires (3) as an antenna (see Col.1, lines 18-25 and Col.4, lines 55-57). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to employ the main wire as taught by Hamlin into the Wacyk type device, because it would allow a good cooperation between the antennas of a transmitter and a receiver in areas such as public building, office and others.

As per claim 9, Wacyk discloses a method of transmitting and/or receiving signals between a lamp (127) comprising a first antenna (112) and a user unit (96) comprising a second antenna (97) (see Figs. 4 and 5), wherein at least a section of one of the mains wires (MAINS) is connected to the lamp (127). Wacyk does not disclose the at least a section of one of the mains wires being the first antenna. However, this feature is well-known in the art as evidenced by Hamlin which discloses in Fig.1 the use of at least a section of one of the main wires (3) as an antenna (see Col.1, lines 18-25 and Col.4, lines 55-57). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to employ the main wire as taught by Hamlin into the Wacyk type device, because it would allow a good cooperation between the antennas of a transmitter and a receiver in areas such as public building, office and others.

Art Unit: 2821

As per claim 1, Wacyk discloses in Figs.4 and 5 a device for wireless control of a lamp comprising: - a control interface (116, 118), and- a body for emitting light (127) wherein the control interface is connected to a mains network (MAINS) for wireless control of the lamp (127). Wacyk does not disclose at least two mains wires, wherein at least one of the mains wires is used as a first antenna. However, this feature is well-known in the art as evidenced by Hamlin which discloses in Fig.1 at least two main wires (4-6) wherein at least one of the main wires (6) is used as a first antenna (see Col.1, lines 18-25 and Col.4, lines 55-57). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to employ the main wires as taught by Hamlin into the Wacyk type device, because it would allow a good cooperation between the antennas of a transmitter and a receiver in areas such as public building, office and others.

As per claims 2 and 4, Wacyk in view of Hamlin discloses the claimed invention substantially as explained above. In addition, Hamlin discloses a control interface (7) being connected to the at least one of the mains wires (6) through a capacitive circuit (14); and the control interface (7) being connected to the at least one of the mains wires (6) through an inductive coupling provided by transformers (22, 23) of the power device (12) (see Figs. 1 and 4).

As per claim 3, Wacyk in view of Hamlin discloses the claimed invention substantially as explained above. Further, Wacyk discloses the lamp being a fluorescent lamp (see Col.2, line 3)), and wherein a capacitive circuit (116 in Fig.4) as a high voltage isolator is capable of withstanding an ignition voltage necessary to activate the fluorescent lamp.

As per claims 5-7, Wacyk in view of Hamlin discloses the claimed invention substantially as explained above. Furthermore, Wacyk discloses that the control interface (100) is capable of receiving and/or transmitting a radio frequency (RF) signal via the first antenna (112), a user control (96) comprises a second antenna (97) so that signals can be transmitted to or received from the first antenna (112).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wessels, Pub. No. 2008/0266834; Wacyk, Patent No. 6,340,864; Ramus, Patent No. 7,151,464.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haissa Philogene whose telephone number is (571) 272-1827. The examiner can normally be reached on 8:30 A.M.-6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Owens can be reached on (571)272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Haissa Philogene/  
Primary Examiner, Art Unit 2821

Application/Control Number: 10/599,844  
Art Unit: 2821

Page 7